

**HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Review Application No. 12 of 2005
In
Writ Petition No. 163 of (S/S) 2005

Sub. Chandra Ballabh,
aged about 45 years,
son of late Sri H.B. Joshi,
resident of Kailakhan, Tallital
District- Nainital.

.Petitioner

Versus

1. Chief Record Officer, for OIC Records, Kumaon Regiment, Abhilekh Karyalaya, Records the Kumaon Regiment, Ranikhet.
2. Commanding Officer, 79 UA Battalion NCC Barum Villa the Mall, Nainital.
3. Senior Record Officer, for OIC Records, Kumaon Regiment, Abhilekh Karyalaya, Records the Kumaon Regiment Ranikhet.
4. Union of India through its Secretary, Ministry of Defence, New Delhi.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri I.D. Paliwal, learned counsel for the petitioner and Sri V.B.S. Negi, Assistant solicitor General, who has accepted notices on behalf of respondents.

The petitioner, who was posted at Nainital, was transferred to Ranikhet by order dated 08.02.2005 passed by Senior Record Officer, Ranikhet – respondent no. 3.

Petitioner has challenged the aforesaid transfer order on the sole ground that his children are studying at Nainital and by his transfer in mid academic session, the study of his children will adversely affected. Considering this statement, this court stayed the implementation of the transfer order dated 08.02.2005 till 30.04.2005.

Respondents have moved an application for recall/ review of the order dated 22.02.2005 passed by this court.

Respondents have submitted in their recall/ review application that petitioner's children are studying at Pithoragarh and not at Nainital. The learned counsel for the petitioner has not denied this fact.

In view of the aforesaid statement made by learned counsel for respondents, I recall the order dated 22.02.2005 passed by this court.

There is no ground available to this court for interference in the transfer order dated 08.02.2005 passed by respondent no. 3.

Writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

March 28, 2005

SKS